

REMARKS

Claims 1-24 are currently pending in the present application. In the Office Action, Claims 1-24 were rejected under 35 U.S.C. §102(e) as being anticipated by *Hall* (U.S. 5,991,618).

Please amend Claims 1, 4, 9, 10, 13, 20 and 23 as set forth herein.

The Examiner has rejected independent Claims 1, 4, 6, 9, 10, 13-15, 18, 20, and 23 under 35 U.S.C. §102(e) as being anticipated by *Hall*. More specifically, the Examiner is asserting that *Hall* teaches all the recitations of Claims 1, 4, 6, 9, 10, 13-15, 18, 20, and 23.

First, it is respectfully submitted that the present invention, i.e., all of the pending claims, is directed to a node B (or Base station) scheduling method. However, *Hall* has no relation to node B scheduling.

With regard to Claim 14, the Examiner cites the power margin value 148 as being an equivalent of the transmission power information and cites the power margin requirement as being an equivalent of the transmission power margin information of the UE. However, in *Hall*, the power margin value 148 and the power margin requirement are not transmitted from the UE to the Node B. Furthermore the power margin requirement is not the equivalent to the transmission power margin information of the UE, because, as depicted in col. 3, lines 15-23 of *Hall*, the power margin requirement is only a value defined for a certain communication mode and not defined for a UE. Based on at least the foregoing, withdrawal of the rejection of Claim 14 is respectfully requested.

With regard to independent Claims 15 and 18, each these claims recite receiving maximum allowed uplink transmission power information of the UE. The Examiner cites column 7, lines 11-15, maximum transmit power, as teaching this recitation. However, there is no disclosure in this section or any other section of *Hall*, that the Node B receives the “maximum allowed uplink transmission power information of the UE”. Based on at least the foregoing, withdrawal of the rejections of independent Claims 15 and 18 is respectfully requested.

Further, with regard to Claims 1, 4, 6, 9, 10, 13, 20 and 23, it is respectfully submitted that the comparison of the power margin requirement to the uplink channel condition information, the power margin to the transmission power class information, and a data rate of the UE to a communication mode quality is unsupportable. The transmission power class information represents the total transmission power of UE and the transmission power class information is not equivalent to the power margin representing available power of UE. Further, the communication mode quality is a subtraction value between the power margin and the power margin requirement of the communication mode and the data rate of the UE is different from the communication mode quality. Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 4, 6, 9, 10, 13, 20 and 23 is respectfully requested.

Independent Claims 1, 4, 6, 9, 10, 13, 14, 15, 18, 20 and 23 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 5, 7, 8, 12, 16, 17, 19, 21, 22 and 24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 5, 7, 8, 12, 16, 17, 19, 21, 22 and 24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-24, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516